

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED
APR 26 AM 7:46
KIMBERLY G. DETMOLD
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Nos. 05-20110 B ✓
05-20111 B
05-20112 B

RAFAT JAMAL MAWLAWI,

Defendant.

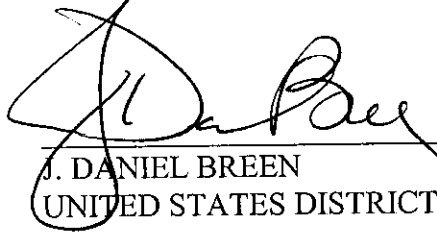
ORDER DENYING GOVERNMENT'S MOTION FOR
ADDITIONAL TIME TO RESPOND TO DEFENDANTS' REQUEST FOR DISCOVERY

Before the Court is the April 21, 2005 motion of the Government seeking additional time to respond to the request of the Defendant, Rafat Jamal Mawlawi, for discovery.¹ First, the Court notes that counsel for the Government has failed to indicate the amount of additional time she seeks. Secondly, the motion suffers from a procedural error warranting dismissal thereof on the grounds that the Government has failed to comply with LCrR12.1, which requires that "[a]ll non-substantive motions . . . shall be accompanied by a certificate of counsel . . . affirming that, after consultation between prosecution and defense counsel, they are unable to reach an accord as to the action requested by the motion." LCrR12.1(a), Local Rules of the U. S. Dist. Ct. for the W. Dist. of Tenn. (the "Rule"). The Rule further provides that "[f]ailure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion." *Id.* For the reasons set forth herein, the motion is DENIED without prejudice.

¹The Government has filed identical motions in all three cases.

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IT IS SO ORDERED this 21st day of April, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 83 in case 2:05-CR-20110 was distributed by fax, mail, or direct printing on April 29, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT